

## Certificate of Mailing

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By: Printed: Lyza Finuliar

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 09/215,848, filed on December 18, 1998, which is a divisional of pending prior application Serial No. 08/773,870, filed December 27, 1996, now U.S. Patent No. 5,912,143, issued June 15, 1999, entitled POLYNUCLEOTIDES ENCODING A HUMAN MAGE PROTEIN HOMOLOG, all of which are incorporated herein by reference.

X	Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 08/773,870, filed on December 27, 1996, including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
X	With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 08/773,870, filed December 27, 1996, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/773,870 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.
X	Cancel in this application original claims <b>3-10, 13-29 and 46-57</b> before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
X	The inventors of the invention being claimed in this application are: Olga Bandman and Surya K. Goli.
X	The prior application is assigned of record to <u>Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc.</u> , recorded on June 13, 1997, at reel 8765/frame 0830.
X	The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

17958 U.S. PTO  
10/658884  
09/09/03

# ENCLOSURES

- X Application Data Sheet (ADS) (3 pp.).
- X Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- X In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicants' signatures as filed on June 9, 1997 (3 pp.).
- X Submission of Formal Drawings (1 pg.); and Six (6) Sheets of Formal Drawings, including Figures 1A, 1B, 2A, 2B, 3 and 4.
- X Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (2 pp.).
- X A new Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).

# CLAIMS AS FILED

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee	
				Rate	Fee	\$	750.00
Total Claims	20	-20	0	x \$18	0	\$	0
Indep. Claims	2	-3	0	x \$84	0	\$	0
Multiple Dependent Claim(s), if any				+ \$280	0	\$	0
Filing Fee:						\$	750.00

# FEE CALCULATION AND METHOD OF PAYMENT

The Fee has been calculated as follows:

- X Fee for filing a **Divisional** Application Under 37 CFR 1.16 (a): \$ 750.00
- X Please charge Deposit Account No. **09-0108** in the amount of: \$ 750.00

Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account **09-0108**. **This sheet is enclosed in duplicate.**

# CORRESPONDENCE ADDRESS

(Customer No. 27904)

INCYTE CORPORATION  
LEGAL DEPARTMENT  
3160 Porter Drive  
Palo Alto, California 94304

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Date: September 9, 2003

By: Barrie D. Greene  
Barrie D. Greene  
Reg. No. 46,740  
Direct Dial Telephone: (650) 621-7576

- X Attorney or Agent of record.

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By: [Signature] Printed: Lyza Finuliar

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Bandman et al.

Title: NOVEL HUMAN MAGE-LIKE PROTEIN

Serial No.: To Be Assigned

Filing Date: Herewith

Examiner: To Be Assigned

Group Art Unit: To Be Assigned

Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SUBMISSION OF FORMAL DRAWINGS**

Sir:

Transmitted herewith are Figures 1A, 1B, 2A, 2B, 3 and 4, as six (6) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 CFR Section 1.84(c) on the front side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. **09-0108**.

If there are any questions regarding the above, the Examiner is invited to call the undersigned.

Respectfully submitted,

INCYTE CORPORATION

Date: September 9, 2003

[Signature]

Barrie D. Greene

Reg. No. 46,740

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